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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,195	09/30/2003	Andrew Fikes	025.0366.US.UTL	7103
26479	7590	04/06/2006		
STRAUB & POKOTYLO 620 TINTON AVENUE BLDG. B, 2ND FLOOR TINTON FALLS, NJ 07724			EXAMINER NGUYEN, TRI V	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/676,195	FIKES ET AL.	
	Examiner	Art Unit	
	Tri V. Nguyen	3622-1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 30 September 2003.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-30 is/are pending in the application.

 4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-30 is/are rejected.

7) ☒ Claim(s) 29 is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) ☐ All b) ☐ Some * c) ☐ None of:

 1. ☐ Certified copies of the priority documents have been received.

 2. ☐ Certified copies of the priority documents have been received in Application No. _____.

 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)

Paper No(s)/Mail Date 1/5/04.

4) ☐ Interview Summary (PTO-413)

Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 29 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. See MPEP § 608.01(n) (II) and (III). The Claim fails the infringement test set forth in 608.01(n) (III); therefore, applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-5, 7-19, 21-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Radwin (2003/0050863).

Claim 1: Radwin discloses a system for automatically targeting Web-based advertisements, comprising:

- (a) an indexer to identify advertisements relative to a query, wherein identified advertisements describe characteristics relative to at least one of a product and a service (page 4, parag. 34-36);
- (b) a scorer to score the advertisements according to match between the query and the characteristics of the identified advertisements (page 4, parag. 34-36); and
- (c) a targeting component to provide at least some of the advertisements as Web-based content (page 2, parag. 22 and page 5, parag. 46).

Claim 2: Radwin discloses a system according to claim 1, wherein a numerical score is

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assigned to the identified advertisements based on a degree of the match (page 5, parag. 40-41).

Claim 3: Radwin discloses a system according to claim 2, wherein the numerical score is determined relative to at least one of a content match and a categorical match (page 4, parag. 39).

Claim 4: Radwin discloses a system according to claim 2, further comprising: a sorter to sort at least some of the identified advertisements by the numerical score (page 5, parag. 40-41).

Claim 5: Radwin discloses a system according to claim 4, further comprising: a selector to select at least some of the sorted identified advertisements relative to a predefined threshold (page 5, parag. 40-41).

Claim 7: Radwin discloses a system according to claim 1, further comprising: a ranker to rank the identified advertisements using a selection criteria and ordering at least some of the ranked identified advertisements (page 5, parag. 40-41).

Claim 8: Radwin discloses a system according to claim 7, further comprising: a selector to select at least some of the ordered identified advertisements relative to a ranking cutoff (page 5, parag. 40-41).

Claim 9: Radwin discloses a system according to claim 7, further comprising: an evaluator to evaluate the selection criteria based on at least one of a fixed cost, variable cost, and random factor associated with one or more of the identified advertisements (page 1, parag. 3-4).

Claim 10: Radwin discloses a system according to claim 9, wherein at least one of an acceptable fixed cost and an acceptable variable cost is applied as the selection criteria (page 5, parag. 40-41 and page 6, parag. 51).

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Claim 11: Radwin discloses a system according to claim 9, wherein at least one of the fixed cost and the variable cost is provided as part of the characteristics of the identified advertisements (page 5, parag. 40-41 and page 6, parag. 51).

Claim 12: Radwin discloses a system according to claim 1, further comprising: an advertising creative generator to generate an advertising creative based on the characteristics of at least one such identified advertisement (page 5, parag. 40-41).

Claim 13: Radwin discloses a system according to claim 12, wherein the advertising creative is provided as part of the at least some of the advertisements (page 5, parag. 40-41 and parag. 46).

Claim 14: Radwin discloses a system according to claim 1, wherein the advertising creative is provided as at least one of a hint provided with at least one such identified advertisement, predefined text, a precomputed advertising creative, and a cached advertising creative (page 2, parag. 22; page 4, parag. 34-36 and page 5, parag. 44, 46).

Claim 15: Radwin discloses a method for automatically targeting Web-based advertisements, comprising:

- (a) identifying advertisements relative to a query, wherein identified advertisements describe characteristics relative to at least one of a product and a service (page 4, parag. 34-36);
- (b) scoring the advertisements according to match between the query and the characteristics of the identified advertisements (page 4, parag. 34-36); and
- (c) providing at least some of the advertisements as Web-based content (page 2, parag. 22 and page 5, parag. 46).

Claim 16: Radwin discloses a method according to claim 15, further comprising: assigning a numerical score to the identified advertisements based on a degree of the match (page 5, parag. 40-41).

Claim 17: Radwin discloses a method according to claim 16, further comprising: determining

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the numerical score relative to at least one of a content match and a categorical match (page 4, parag. 39).

Claim 18: Radwin discloses a method according to claim 16, further comprising: sorting at least some of the identified advertisements by the numerical score (page 5, parag. 40-41).

Claim 19: Radwin discloses a method according to claim 18, further comprising: selecting at least some of the sorted identified advertisements relative to a predefined threshold (page 5, parag. 40-41).

Claim 21: Radwin discloses a method according to claim 15, further comprising: ranking the identified advertisements using a selection criteria; and ordering at least some of the ranked identified advertisements (page 5, parag. 40-41).

Claim 22: Radwin discloses a method according to claim 21, further comprising: selecting at least some of the ordered identified advertisements relative to a ranking cutoff (page 5, parag. 40-41).

Claim 23: Radwin discloses a method according to claim 21, further comprising: evaluating the selection criteria based on at least one of a fixed cost, variable cost, and random factor associated with one or more of the identified advertisements (page 1, parag. 3-4).

Claim 24: Radwin discloses a method according to claim 23, further comprising: applying at least one of an acceptable fixed cost and an acceptable variable cost as the selection criteria (page 5, parag. 40-41 and page 6, parag. 51).

Claim 25: Radwin discloses a method according to claim 23, further comprising: providing at least one of the fixed cost and the variable cost as part of the characteristics of the identified advertisements (page 5, parag. 40-41).

Claim 26: Radwin discloses a method according to claim 15, further comprising: generating an advertising creative based on the characteristics of at least one such identified

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advertisement (page 5, parag. 40-41).

Claim 27: Radwin discloses a method according to claim 26, further comprising: providing the advertising creative as part of the at least some of the advertisements (page 5, parag. 40-41 and parag. 46).

Claim 28: Radwin discloses a method according to claim 15, further comprising: providing the advertising creative as at least one of a hint provided with at least one such identified advertisement, predefined text, a precomputed advertising creative, and a cached advertising creative (page 2, parag. 22; page 4, parag. 34-36 and page 5, parag. 44, 46).

Claim 29: Radwin discloses a computer-readable storage medium holding code for performing the method according to claim 15 (page 2, parag. 22, 24; page 3, parag. 25; page 4, parag. 34-36 and page 5, parag. 46)).

Claim 30: Radwin discloses an apparatus for automatically targeting Web-based advertisements, comprising:

- (a) means for identifying advertisements relative to a query, wherein identified advertisements describe characteristics relative to at least one of a product and a service (page 4, parag. 34-36);
- (b) means for scoring the advertisements according to match between the query and the characteristics of the identified advertisements (page 4, parag. 34-36); and
- (c) means for providing at least some of the advertisements as Web-based content (page 2, parag. 22 and page 5, parag. 46).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radwin (2003/0050863).

Claim 6: Radwin discloses a system according to claim 1, except for further comprising: a filter to filter the identified advertisements relative to at least one of a country, locale, language, and daily budget. Radwin discloses the use of demographic profiling in the art (page 2, parag. 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Radwin, with a filter for specific characteristics and features since it was known in the art that a filter to filter the identified advertisements relative to at least one of a country, locale, language, and daily budget is used to enhance the efficiency of the targeted advertisement by focusing the selection and ensuing delivery of the advertisement to users who are more likely to purchases the items advertised.

Claim 20: Radwin discloses a system according to claim 15, except for further comprising: a filter to filter the identified advertisements relative to at least one of a country, locale, language, and daily budget. Radwin discloses the use of demographic profiling in the art (page 2, parag. 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Radwin, with a filter for specific characteristics and features since it was known in the art that a filter to filter the identified advertisements relative to at least one of a country, locale, language, and daily budget is used to enhance the efficiency of the targeted advertisement by focusing the selection and ensuing delivery of the advertisement to users who are more likely to purchases the items advertised.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Anderson et al. (2004/0093327) discloses a method for serving advertisements based on the content.

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B. Dean et al. (2004/0059708) discloses a method for serving relevant advertisements.

C. Alberts (5,937,392) discloses a banner advertising display system and method with frequency of advertisement control.

D. Anick et al. (6,778,975) discloses a search engine for selecting targeted messages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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